

REMARKS

This Amendment is responsive to the Office Action dated August 11, 2004.

Claims 1-16 were pending in the application. In the Office Action, claims 1-9 and 12-16 were rejected, and claims 10 and 11 were objected to. In this Amendment, claims 10 and 11 have been amended. Claims 1-16 thus remain for consideration.

Applicants submit that claims 1-16 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

Claim Objections / Allowable Subject Matter

Claims 10 and 11 were objected to as being dependent upon a rejected base claim. However, the Examiner indicated that claims 10 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten claims 10 and 11 in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants submit that claims 10 and 11 are in condition for allowance, and request that the objections to claims 10 and 11 be withdrawn.

§102 and §103 Rejections

Claims 1, 8, 9 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Park et al. (EP 0932158A2).

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Official Notice.

Claims 3-7, 12, 13, 15 and 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view Kuchta et al. (U.S. Patent No. 5,164,831).

Applicants respectfully submit that the independent claims (claims 1 and 14) are patentable over Park, Official Notice and Kuchta.

Applicants' invention as recited in the independent claims is directed toward a picture recording apparatus and a picture recording method. Each of the claims recites "extracting a plurality of pictures from [an] input moving picture sequence ... and generating reduced pictures with the extracted pictures."

Neither Park, Official Notice nor Kuchta discloses "generating reduced pictures with the extracted pictures." In particular, Applicants note that Park discloses using extracted image data to generate an "I" picture via a still image encoder 14. The "I" pictures of Park are different from the reduced (or "thumbnail") pictures of the invention, and therefore Park fails to disclose generating reduced pictures based on extracted data. Indeed, Applicants note that Park's encoder 14 does not correspond to Applicants' thin-out processing device 11, which generates reduced pictures, but rather, corresponds to Applicants' encoder 9.

Since neither Park, Official Notice nor Kuchta discloses "generating reduced pictures with the extracted pictures," Applicants believe that claims 1 and 14 are patentable over Park, Official Notice and Kuchta – taken either alone or in combination – on at least this basis.

Furthermore, since dependent claims inherit the limitations of their respective base claims, dependent claims 2-13, 15 and 16 are believed to be patentable over the Park, Official Notice and Kuchta for at least the same reasons discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito
Reg. No. 38,580
(212) 588-0800